

**U.S. District Court**  
**Southern District of Florida (Miami)**  
**CIVIL DOCKET FOR CASE #: 1:18-cv-24218-DPG**

Mandell v. SEC Commission et al  
Assigned to: Judge Darrin P. Gayles  
Referred to: Magistrate Judge Alicia M. Otazo-Reyes  
Cause: 05:0552 Freedom of Information Act

Date Filed: 10/12/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Ross H. Mandell**

represented by **Matthew V. Topic**  
Loevy & Loevy  
311 N. Aberdeen St., 3rd Floor  
Chicago, IL 60607  
(312) 243-5900  
Fax: 312-862-2200  
Email: [foia@loevy.com](mailto:foia@loevy.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Mark Gary Astor**  
Astor Law Firm  
1200 N. Federal Highway  
Suite 200  
Boca Raton, FL 33432  
5614196095  
Fax: (561) 828-3856  
Email: [mark@astorlawfirm.com](mailto:mark@astorlawfirm.com)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**United States Department of Justice**

represented by **Carlos Javier Raurell**  
United States Attorney's Office  
99 NE 4 Street  
Miami, FL 33132  
305-961-9243  
Fax: 305-530-7139  
Email: [carlos.raurell@usdoj.gov](mailto:carlos.raurell@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Federal Bureau of Investigation (FBI)**

represented by **Carlos Javier Raurell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**United States Securities and Exchange  
Commission (SEC)**

represented by **Carlos Javier Raurell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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10/12/2018	<u>1</u>	COMPLAINT against DOJ, FBI Headquarters, SEC Commission. Filing fees \$ 400.00 receipt number 113C-11072590, filed by Ross H. Mandell. (Attachments: # <u>1</u> Exhibit)(Astor, Mark) (Entered: 10/12/2018)
10/15/2018	<u>2</u>	Clerks Notice of Judge Assignment to Judge Darrin P. Gayles.  Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Alicia M. Otazo-Reyes is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (vmz) (Entered: 10/15/2018)
10/15/2018	<u>3</u>	Clerks Notice to Filer re: Electronic Case. No Civil Cover Sheet. Filer is instructed to file a Notice (Other) with the Civil Cover Sheet attached within 24 hours of the notice. (vmz) (Entered: 10/15/2018)
10/15/2018	<u>4</u>	Clerks Notice to Filer re: Electronic Case. Party(ies) Improperly Formatted. The Filer failed to enter the party name(s) in accordance with the CM/ECF Format for Adding Parties for Attorneys Guide. The correction was made. It is not necessary to re-file the document. (vmz) (Entered: 10/15/2018)
10/15/2018	<u>5</u>	Clerks Notice to Filer re: Electronic Case. Parties Not Added. The Filer failed to add all parties associated with the case. Filer is instructed to add the additional parties by filing a Notice of Entry of Parties. It is not necessary to re-file this document. (vmz) (Entered: 10/15/2018)
10/15/2018	<u>6</u>	NOTICE OF COURT PRACTICE. Unless otherwise specified by the Court, every motion shall be double-spaced in Times New Roman 12-point typeface. <b>Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position.</b> If conflicts of position exist, parties shall explain the conflicts in their separate motions. Failure to comply with <b>ANY</b> of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the striking of the motion or dismissal of this action. Signed by Judge Darrin P. Gayles on 10/15/2018. (isc) (Entered: 10/15/2018)
10/16/2018	<u>7</u>	NOTICE of Change of Address by Mark Gary Astor (Astor, Mark) (Entered: 10/16/2018)
10/16/2018	<u>8</u>	NOTICE of Filing Proposed Summons(es) by Ross H. Mandell (Attachments: # <u>1</u> Summon(s), # <u>2</u> Summon(s), # <u>3</u> Summon(s), # <u>4</u> Summon(s), # <u>5</u> Summon(s)) (Astor, Mark) (Entered: 10/16/2018)
10/16/2018	<u>9</u>	NOTICE by Ross H. Mandell <i>Civil Cover Sheet</i> (Astor, Mark) Modified text on 10/17/2018 (vmz). (Entered: 10/16/2018)
10/17/2018	<u>10</u>	Summons Issued as to Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ), United States Securities and Exchange Commission (SEC), U.S. Attorney and U.S. Attorney General (vmz) (Entered: 10/17/2018)
10/31/2018	<u>11</u>	NOTICE by Ross H. Mandell (Astor, Mark) (Entered: 10/31/2018)
10/31/2018	<u>12</u>	NOTICE by Ross H. Mandell (Astor, Mark) (Entered: 10/31/2018)
10/31/2018	<u>13</u>	NOTICE by Ross H. Mandell (Astor, Mark) (Entered: 10/31/2018)
10/31/2018	<u>14</u>	SUMMONS (Affidavit) Returned Executed United States Department of Justice served on 10/23/2018, answer due 12/24/2018. (See Image DE <u>11</u> ) (vmz) (Entered: 10/31/2018)
10/31/2018	<u>15</u>	Clerks Notice to Filer re <u>11</u> Notice (Other). <b>Wrong Event Selected;</b> ERROR – The Filer selected the wrong event. The document was re-docketed by the Clerk, see 14 . It is not necessary to refile this document. (vmz) (Entered: 10/31/2018)
10/31/2018	<u>16</u>	SUMMONS (Affidavit) Returned Executed United States Securities and Exchange Commission (SEC) served on 10/22/2018, answer due 12/21/2018. ( See image DE <u>12</u> ) (vmz) (Entered: 10/31/2018)
10/31/2018	<u>17</u>	Clerks Notice to Filer re <u>12</u> Notice (Other). <b>Wrong Event Selected;</b> ERROR – The Filer selected the wrong event. The document was re-docketed by the Clerk, see 16 . It is not necessary to refile this document. (vmz) (Entered: 10/31/2018)

10/31/2018	<u>18</u>	SUMMONS (Affidavit) Returned Executed U.S. Attorney General served on 10/23/2018, answer due 12/24/2018. ( See Image DE <u>13</u> ) (vmz) (Entered: 10/31/2018)
10/31/2018	<u>19</u>	Clerks Notice to Filer re <u>13</u> Notice (Other). <b>Wrong Event Selected</b> ; ERROR – The Filer selected the wrong event. The document was re-docketed by the Clerk, see 18 . It is not necessary to refile this document. (vmz) (Entered: 10/31/2018)
11/01/2018	<u>20</u>	SUMMONS (Affidavit) Returned Executed by Ross H. Mandell. Federal Bureau of Investigation (FBI) served on 10/23/2018, answer due 12/24/2018. (Astor, Mark) (Entered: 11/01/2018)
11/19/2018	<u>21</u>	<i>Defendants' ANSWER and Affirmative Defenses to Complaint by Federal Bureau of Investigation (FBI), United States Department of Justice, United States Securities and Exchange Commission (SEC). Attorney Carlos Javier Raurell added to party Federal Bureau of Investigation (FBI)(pty:dft), Attorney Carlos Javier Raurell added to party United States Department of Justice(pty:dft), Attorney Carlos Javier Raurell added to party United States Securities and Exchange Commission (SEC)(pty:dft). (Raurell, Carlos)</i> (Entered: 11/19/2018)
11/19/2018	<u>22</u>	<p>ENDORSED ORDER REQUIRING JOINT SCHEDULING REPORT AND PROPOSED SCHEDULING ORDER. Pursuant to S.D. Fla. Local Rule 16.1, on or before <b>December 6, 2018</b>, the parties shall prepare and file a Joint Scheduling Report, as well as Certificates of Interested Parties and Corporate Disclosure Statements.</p> <p>The parties shall also file a Proposed Scheduling Order, adhering to the format and guidance of the attached form. If the parties deviate in any way from that format and guidance, they <b>shall</b> contemporaneously submit a written explanation, which provides their purported justification for each and every deviation. <i>If the parties fail to submit such written explanation, the Court may enter a Scheduling Order that does not take into account the parties' proposed dates.</i></p> <p>Failure to comply with this Order shall be grounds for dismissal without prejudice and without further notice. Signed by Judge Darrin P. Gayles on 11/19/2018. <i>See attached document for full details.</i> (isc) (Entered: 11/19/2018)</p>
01/28/2019	<u>23</u>	Defendant's MOTION for entry of a briefing schedule in lieu of standard trial setting order by Federal Bureau of Investigation (FBI), United States Department of Justice, United States Securities and Exchange Commission (SEC). (Raurell, Carlos) (Entered: 01/28/2019)
01/29/2019	<u>24</u>	ORDER granting <u>23</u> Motion for Entry of Briefing Schedule in Lieu of Standard Trial Setting Order. Signed by Judge Darrin P. Gayles on 1/29/2019. <i>See attached document for full details.</i> (isc) (Entered: 01/29/2019)
01/30/2019	<u>25</u>	PAPERLESS ORDER REFERRING CASE to Magistrate Judge Alicia M. Otazo-Reyes for a ruling on all non-dispositive matters and for a report and recommendation on all dispositive matters. Signed by Judge Darrin P. Gayles on 1/30/2019. (isc) (Entered: 01/30/2019)
01/30/2019	<u>26</u>	CASE REFERRED to Magistrate Judge Alicia M. Otazo-Reyes per DE 25. (vjk) (Entered: 01/31/2019)
04/01/2019	<u>27</u>	Defendant's MOTION for Summary Judgment by Federal Bureau of Investigation (FBI), United States Department of Justice, United States Securities and Exchange Commission (SEC). Responses due by 4/15/2019 (Attachments: # <u>1</u> Exhibit Hardy Declaration, # <u>2</u> Exhibit Jolly Declaration, # <u>3</u> Exhibit Tallarico Declaration, # <u>4</u> Exhibit Keyes Declaration)(Raurell, Carlos) (Entered: 04/01/2019)
04/01/2019	<u>28</u>	Statement of: Undisputed Facts by Federal Bureau of Investigation (FBI), United States Department of Justice, United States Securities and Exchange Commission (SEC) re <u>27</u> Defendant's MOTION for Summary Judgment (Raurell, Carlos) (Entered: 04/01/2019)
04/09/2019	<u>29</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Matthew V. Topic. Filing Fee \$ 75.00 Receipt # 113C-11544800 by Ross H. Mandell. Responses due by 4/23/2019 (Attachments: # <u>1</u> Certification)(Astor, Mark) (Entered: 04/09/2019)

04/10/2019	<u>30</u>	ENDORSED ORDER granting <u>29</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Matthew V. Topic is permitted to appear before this Court on behalf of Plaintiff Ross Mandell for all purposes relating to this action. The clerk is directed to provide Notice of Electronic Filings to Mr. Topic at foia@loevy.com. Signed by Judge Darrin P. Gayles (isc) (Entered: 04/10/2019)
04/29/2019	<u>31</u>	Unopposed MOTION to Modify Briefing Schedule by Ross H. Mandell. (Astor, Mark) (Entered: 04/29/2019)